IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8524 of 1999

WITH

SPECIAL CIVIL APPLICATIONS No.953 of 2000 TO 980 OF 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NARENDRASINH KANUBHA CHUDASAMA

Versus

STATE OF GUJARAT

Appearance in all the petitions :

MR PJ KANABAR for Petitioners

Shri Digant Joshi, AGP instructed ;by Shri S.P. Hasurkar, Additional Government Pleader for Respondent No. 1

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 06/03/2000

COMMON ORAL JUDGEMENT

Rule. Shri Digant P. Joshi, learned Assistant Government Pleader appears for respondents instructed by

Shri S.P. Hasurkar and waives service of the rule.

2. These are the petitions challenging the inaction on the part of the Government in not deciding the options exercised by the petitioners. These options were required to be given on account of bifurcation of Bhavnagar and Amreli districts. The petitioners originally belong to Bhavnagar district. On bifurcation of the district, the area in which they were posted at the relevant time has gone to Amreli District. The Government had asked for and the petitioners had exercised the option. It is important to note that such options were given in the year 1997. It was also understood that until options given by the petitioners are decided, the petitioners will be allowed to continue to serve at the place at which they were serving at the relevant time. The petitioners were working at Savarkundla, Samdiala (Rural) and Jesar.

3. The petitioners have already exercised their option to remain in Bhavnagar district, which is their parent district and it would have been proper for the authorities to decide their options at the earliest. It is also averred in the petitions that though their options were pending, the respondent Government made new recruitments. However, the learned advocate Shri P.J. Kanabar for the petitioners has prayed for directions directing the respondents to fix rational criteria and/or basis for implementing and operating the options exercised by the petitioners for appointment in Bhavnagar district in their respective cadre as per order at Annexure 'D' to the petition. It is not required at this stage to go into the other contentions raised in the petition. As the learned advocate for the petitioners has stated that he will be satisfied if appropriate directions are issued to the authorities to decide the options of the petitioners pending before the Government since 1997, the grievance of the petitioners will stand redressed to a major extent. In that view of the matter, it will be in fitness of things and in the interest of justice to pass the following directions.

(i) The respondent authorities shall decide the options given by the petitioners preferably within six months and in any case not later than one year.

(ii) In the meanwhile, the petitioners and other similarly situated persons, whose options are pending may be transferred from their present place of working, namely, Savarkundla, Samdiala

(Rural) and Jesar to the Police Stations within Amreli district, bordering Bhavnagar district, namely, Babra, Lathi, Damnagar, Lalia, Rajula and Jafrabad, only on disciplinary grounds and in administrative exigencies by respondent no.2, Deputy Inspector General of Police, Junagadh Range and not by respondents nos.3 and 4.

(iii) Petitioner no.1 in Special Civil Application No.8524 of 1999 and petitioners in Special Civil Applications Nos.959/2000, 960/2000, 964/2000, 978/2000, are recently transferred. Their transfer orders shall be perused by the Deputy Inspector General of Police to grant necessary sanction in light of the aforesaid directions within 3 weeks from today.

4. These petitions are allowed in terms of the aforesaid directions. Rule is made absolute to the above extent with no order as to costs. Direct service is permitted.

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